

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 61st LEGISLATURE - REGULAR SESSION

COMMITTEE ON STATE ADMINISTRATION

Call to Order: Chairman Dennis Himmelberger, on February 16, 2009
at 9:31 A.M., in Room 455 Capitol.

ROLL CALL

Members Present:

Rep. Dennis Himmelberger, Chairman (R)
Rep. Sue Dickenson, Vice Chairman (D)
Rep. Jesse O'Hara, Vice Chairman (R)
Rep. Russell Bean (R)
Rep. Joel Boniek (R)
Rep. Frosty Boss Ribs (D)
Rep. Dee Brown (R)
Rep. Betsy Hands (D)
Rep. Pat Ingraham (R)
Rep. Gary MacLaren (R)
Rep. Sue Malek (D)
Rep. Kendall Van Dyk (D)
Rep. Ted Washburn (R)

Members Excused: Rep. Gordon R. Hendrick (R)

Members Absent: Rep. Tony Belcourt (D)
Rep. Mary Caferro (D)
Rep. Mike Phillips (D)
Rep. Franke Wilmer (D)

Staff Present: Sheri Heffelfinger, Legislative Branch
Marshall McEwen, Committee Secretary

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: HB 500, HB 509, 2/11/2009

Executive Action: HB 475, HB 348, HB 463, HB 145,
HB 509

00:01:40 Rep. Belcourt entered the room.

HEARING ON HB 500

Opening Statement by Sponsor:

00:02:02 Rep. Gary MacLaren (R), HD 89, opened the hearing on
HB 500, Revise appointment of redistricting commission.
EXHIBIT(sth36a01)

Proponents' Testimony: None

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

00:06:07 Rep. Boniek
00:06:58 Rep. MacLaren
00:08:21 Rep. Dickenson
00:09:28 Rep. MacLaren
00:09:32 Rep. Caferro entered the room.
00:10:01 Rep. Dickenson
00:10:24 Rep. MacLaren
00:10:57 Rep. Dickenson
00:11:00 Rep. Hands
00:11:35 Rep. MacLaren
00:12:10 Chairman Himmelberger

Closing by Sponsor:

00:12:19 Rep. MacLaren
00:12:38 Chairman Himmelberger

HEARING ON HB 509

Opening Statement by Sponsor:

00:12:56 Rep. Pat Ingraham (R), HD 13, opened the hearing on
HB 509, Revise requirements for counting write-in
votes.

Proponents' Testimony:

00:14:46 Linda McCulloch, Montana Secretary of State
EXHIBIT(sth36a02)
00:17:00 Linda Stoll, Montana Association of Clerks and
Recorders

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

00:20:01 Rep. Brown
00:20:39 Ms. McCulloch
00:21:26 Rep. Brown
00:22:00 Ms. McCulloch
00:22:46 Chairman Himmelberger

Closing by Sponsor:

00:22:51 Rep. Ingraham
00:23:56 Chairman Himmelberger

00:24:02 Rep. Brown
00:24:17 Chairman Himmelberger
00:25:05 Committee takes a break.
00:49:05 Committee reconvenes. Rep. Hendrick, Rep. Hands, and
Rep. Wilmer are not present after the break.

EXECUTIVE ACTION ON HB 475

00:49:16 **Motion:** Rep. Phillips moved that **HB 475 DO PASS.**

Discussion:

00:49:19 Chairman Himmelberger
00:49:27 Rep. Phillips
00:49:58 Rep. Ingraham
00:50:30 Rep. Brown
00:50:45 Rep. Phillips
00:51:10 Rep. Bean

00:51:39 **Vote:** Motion carried unanimously by voice vote. Rep.
Hendrick, Rep. Hands, and Rep. Wilmer voted by proxy.

00:52:11 Chairman Himmelberger

EXECUTIVE ACTION ON HB 348

00:52:29 **Motion:** Rep. O'Hara moved that **HB 348 DO PASS.**

Discussion:

00:52:33 Chairman Himmelberger
EXHIBIT (sth36a03)

00:53:50 **Motion:** Rep. O'Hara moved that **HB 348 BE AMENDED.**

Discussion:

00:54:07 Chairman Himmelberger
00:54:42 Ms. Heffelfinger
00:55:36 Chairman Himmelberger
00:56:04 Ms. Heffelfinger
00:56:36 Chairman Himmelberger
00:56:49 Rep. Dickenson
00:57:26 Chairman Himmelberger
00:57:34 Ms. Heffelfinger
00:57:53 Chairman Himmelberger
00:58:06 Rep. Hands entered the room.
00:58:21 Rep. Ingraham
00:59:09 Chairman Himmelberger
00:59:15 Rep. Bean

00:59:43 **Vote:** Motion carried unanimously by voice vote. Rep. Hendrick and Rep. Wilmer voted by proxy.

01:00:11 Chairman Himmelberger

01:00:17 **Motion:** Rep. O'Hara moved that **HB 348 DO PASS AS AMENDED.**

Discussion:

01:00:23 Chairman Himmelberger
01:00:50 Rep. Caferro exited the room.
01:01:05 Rep. Phillips
01:01:57 Chairman Himmelberger
01:02:26 Rep. Phillips
01:02:33 Chairman Himmelberger
01:02:40 Rep. Hands
01:03:35 Chairman Himmelberger
01:03:39 Rep. Boniek
01:03:52 Rep. Brown
01:04:00 Chairman Himmelberger
01:04:14 Dennis Unsworth, Commissioner, Political Practices
01:04:31 Rep. Boniek
01:04:46 Mr. Unsworth
01:05:47 Rep. Boniek
01:06:04 Mr. Unsworth
01:06:53 Rep. Washburn
01:07:14 Mr. Unsworth
01:07:55 Chairman Himmelberger
01:07:59 Rep. Malek
01:08:21 Mr. Unsworth

01:09:43 Chairman Himmelberger

01:09:49 **Vote:** Motion failed 9-9 by roll call vote with Rep. Bean, Rep. Boniek, Rep. Brown, Rep. Hendrick, Rep. Himmelberger, Rep. Ingraham, Rep. MacLaren, Rep. O'Hara, and Rep. Washburn voting aye. Rep. Caferro, Rep. Hendrick, and Rep. Wilmer voted by proxy.

01:11:10 **Motion/Vote:** Rep. Hands moved that **HB 348 BE TABLED**. Motion failed 9-9 by voice vote with Rep. Belcourt, Rep. Boss Ribs, Rep. Caferro, Rep. Dickenson, Rep. Hands, Rep. Malek, Rep. Phillips, Rep. Van Dyk, and Rep. Wilmer voting aye. Rep. Caferro, Rep. Hendrick, and Rep. Wilmer voted by proxy.

01:12:13 Chairman Himmelberger

EXECUTIVE ACTION ON HB 463

01:12:31 **Motion:** Rep. Malek moved that **HB 463 DO PASS**.

Discussion:

01:12:33 Chairman Himmelberger

01:12:44 Rep. Phillips

01:13:22 Rep. Bean

01:14:24 Chairman Himmelberger

01:14:30 Rep. Van Dyk

01:14:33 Rep. Bean

01:15:04 Chairman Himmelberger

01:15:07 Rep. Malek

01:15:57 Rep. Brown

01:18:42 Rep. Dickenson

01:21:53 Chairman Himmelberger

01:21:57 Rep. Phillips

01:23:12 Rep. MacLaren

01:24:05 Chairman Himmelberger

01:24:27 Rep. Malek

01:24:49 Chairman Himmelberger

01:25:03 Rep. Malek

01:25:43 Rep. Brown

01:26:28 Chairman Himmelberger

01:26:39 **Vote:** Motion failed 9-9 by roll call vote with Rep. Belcourt, Rep. Boss Ribs, Rep. Caferro, Rep. Dickenson, Rep. Hands, Rep. Malek, Rep. Phillips, Rep. Van Dyk, and Rep. Wilmer voting aye. Rep. Caferro, Rep. Hendrick, and Rep. Wilmer voted by proxy.

01:27:55 Chairman Himmelberger

01:27:57 Rep. Dickenson exited the room.

01:28:04 **Motion/Vote:** Rep. Washburn moved that **HB 463 BE TABLED**. Motion failed 9-9 by voice vote with Rep. Bean, Rep. Boniek, Rep. Brown, Rep. Hendrick, Rep. Himmelberger, Rep. Ingraham, Rep. MacLaren, Rep. O'Hara, and Rep. Washburn voting aye. Rep. Caferro, Rep. Dickenson, Rep. Hendrick, and Rep. Wilmer voted by proxy.

01:28:59 Chairman Himmelberger

01:29:05 Rep. Hendrick entered the room.

EXECUTIVE ACTION ON HB 145

01:29:16 **Motion:** Rep. Hands moved that **HB 145 DO PASS**.

Discussion:

01:29:21 Chairman Himmelberger

EXHIBIT(sth36a04)

01:29:35 Rep. Phillips

01:29:47 Chairman Himmelberger

01:30:05 Rep. Brown

01:30:39 Rep. Boniek

01:30:57 Chairman Himmelberger

01:31:14 **Motion:** Rep. Van Dyk moved that **HB 145 BE AMENDED**.

Discussion:

01:31:29 Chairman Himmelberger

01:31:49 Ms. Heffelfinger

01:32:57 Rep. Hands

01:33:16 Ms. Heffelfinger

01:33:23 Rep. Hands

01:33:55 Chairman Himmelberger

01:34:44 Rep. Hands

01:36:01 Chairman Himmelberger

01:36:22 Rep. Brown

01:36:31 Chairman Himmelberger

01:37:05 **Substitute Motion:** Rep. MacLaren made a substitute motion to segregate **AMENDMENT 014501.ASH**.

01:37:32 Chairman Himmelberger

01:37:44 Rep. Phillips

01:38:02 Rep. MacLaren

01:38:14 Chairman Himmelberger
01:38:38 Rep MacLaren
01:38:47 Chairman Himmelberger

01:39:53 **Vote:** Motion carried 15-3 by voice vote with Rep. Boniek, Rep. Malek, and Rep. Van Dyk voting no. Rep. Caferro, Rep. Dickenson, and Rep. Wilmer voted by proxy.

01:40:30 Chairman Himmelberger
01:40:56 Rep. Hands
01:41:50 Chairman Himmelberger

01:42:03 **Motion:** Rep. Hands moved that **HB 145 BE AMENDED.**

Discussion:

01:42:23 Rep. Phillips
01:42:38 Chairman Himmelberger

01:42:45 Boy Scouts in the room were acknowledged.

01:43:45 **Vote:** Motion carried 11-7 by roll call vote with Rep. Boniek, Rep. Brown, Rep. Hendrick, Rep. Himmelberger, Rep. Ingraham, Rep. MacLaren, and Rep. Washburn voting no. Rep. Caferro, Rep. Dickenson, and Rep. Wilmer voted by proxy.

01:45:12 Rep. MacLaren

01:45:23 **Motion:** Rep. Brown moved that **HB 145 DO PASS AS AMENDED.**

01:45:34 **Motion/Vote:** Rep. Phillips moved that **HB 145 BE AMENDED.** Motion carried 17-1 by voice vote with Rep. Boniek voting no. Rep. Caferro, Rep. Dickenson, and Rep. Wilmer voted by proxy.

01:46:31 Chairman Himmelberger

01:46:36 **Motion:** Rep. Brown moved that **HB 145 DO PASS AS AMENDED.**

Discussion:

01:46:41 Chairman Himmelberger
01:46:50 Rep. Ingraham
01:47:36 Chairman Himmelberger
01:47:54 Rep. Ingraham

01:48:12 Chairman Himmelberger

01:48:41 Rep. Boniek

01:49:49 Chairman Himmelberger

01:49:57 **Vote:** Motion carried 11-7 by voice vote with Rep. Bean, Rep. Boniek, Rep. Caferro, Rep. Hendrick, Rep. Ingraham, Rep. O'Hara, and Rep. Washburn voting no. Rep. Caferro voted no by proxy. Rep. Dickenson and Rep. Wilmer voted by proxy.

01:51:10 Rep. Boniek

01:51:22 Chairman Himmelberger

EXECUTIVE ACTION ON HB 509

01:51:27 **Motion:** Rep. Ingraham moved that **HB 509 DO PASS.**

01:51:31 Chairman Himmelberger

01:51:36 Rep. Ingraham

01:52:22 Chairman Himmelberger

01:52:27 **Vote:** Motion carried unanimously by voice vote. Rep. Caferro, Rep. Dickenson, and Rep. Wilmer voted by proxy.

01:52:47 Chairman Himmelberger

ADJOURNMENT

01:53:05 Adjournment: 11:24 A.M.

Marshall McEwen, Secretary

mm

Additional Documents:

EXHIBIT ([sth36aad.pdf](#))